

REMARKS

Claims 1-22 were pending prior to this response. Claims 1-22 were subjected to a restriction requirement. By virtue of this amendment, claims 1-9, 14-17 and 19-22 have been canceled. Claims 10-12 and claim 18 have been amended, and new claims 23-39 have been added. Upon entry of the present amendment, claims 10-13, 18 and 23-39 are under consideration.

The claim amendments and new claims find adequate support in the specification and in the claims as filed. Support for the amendment to claims 10 and 18 can be found, *inter alia*, on page 13, second paragraph, page 15, first paragraph and page 16, second paragraph. Support for new claims 23 and 35 can be found, *inter alia*, on page 12, last paragraph and page 13, second paragraph. Support for new claim 24 can be found, *inter alia*, on page 14, third paragraph. Support for new claims 25 and 36 can be found, *inter alia*, on page 13, second paragraph. Support for new claims 26, 28, 37 and 39 can be found, *inter alia*, on page 25, fourth paragraph. Support for new claims 27 and 38 can be found, *inter alia*, on page 16, second paragraph. Support for new claims 29 and 30 can be found, *inter alia*, on page 24, second paragraph. Support for new claim 31 can be found, *inter alia*, on page 24, first paragraph. Support for new claim 32 can be found, *inter alia*, in original claim 11, on page 27, 4th paragraph and on page 28, third paragraph. Support for new claim 33 can be found, *inter alia*, in original claim 12, on page 4, third paragraph and on page 27, 4th paragraph. Support for new claim 34 can be found, *inter alia*, in original claim 13, and on page 27, last paragraph. No new matter is added.

With respect to the cancellation and amendment of claims, Applicants have not dedicated or abandoned any unclaimed subject matter and moreover, have not acquiesced to any rejections and/or objections made by the Office. Applicants expressly reserve the right to pursue prosecution of any presently excluded claim embodiments in future continuation, continuation-in-part, and/or divisional applications.

Summary of Interview

The Applicants express their gratitude for the telephone interview between Examiner Catherine Hibbert and Applicants' representative Jian (Janet) Xiao on October 22, 2009. The time and consideration of the Examiner is greatly appreciated.

During the telephone interview, the Examiner and Applicants' representative discussed the Restriction Requirement mailed on September 15, 2009. Applicants' representative indicated that Applicants would like to elect Group III, drawn to a screening method, and requested that Group VI, directed to a high-throughput screening method, be rejoined. The Examiner agreed to rejoin Group VI with Group III.

Response to Restriction Requirement

The Examiner has required restriction of the claims to one of the following inventions as required under 35 U.S.C. § 121:

Group I, claims 1-8, drawn to a host cell and a DNA expression vector;

Group II, claim 9, drawn to a stably transfected cell line;

Group III, claims 10-13, drawn to a method of screening for one or more compound which affect mRNA stability;

Group IV, claim 14, drawn to a method for comparing the extent of mRNA degradation induced by two or more compounds;

Group V, claims 15-17 and 19-22, drawn to a kit/assay system for screening for compounds which destabilize mRNA;

Group VI, claim 18, drawn to a high throughput method for screening libraries of compounds to identify compounds that affect the stability of mRNA.

In response, Applicants hereby elect Group III (claims 10-13) with traverse. Applicants acknowledge with appreciation that Group VI claim (claim 18) is rejoined with Group III. As a result of the rejoinder, claim 18 is also under consideration.

Applicants further note that new claims 23-31 depend from claim 10 and new claims 32-39 depend from claim 18. Accordingly, claims 23-39 also fall within the elected and rejoined claim groups.

The Office Action also required an election of species if Applicant elects Group I or Group V. The election of species requirement is moot because Groups I and V claims are not elected.

Applicants expressly reserve the right under 35 U.S.C. § 121 to file a divisional application directed on the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

Applicants hereby request examination of the elected subject matter on the merits.

CONCLUSION

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **Docket No. 608352000101**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: November 16, 2009

Respectfully submitted,

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